

misleading warnings about the subject products, and a campaign of misinformation intended to convince Plaintiffs, Plaintiffs prescribing physicians, and the public that Redux is not associated with VHD or PH, and is in fact a safe and effective product.

164. Interneuron knew or should have known that these representations were false or misleading at the time they were made or omitted or concealed, and made the representations with the intent or purpose that Plaintiffs and Plaintiffs' physicians would rely on them, leading to the use of Redux by Plaintiffs, and with the specific intention that Plaintiffs rely on such misrepresentations and concealment by delaying in obtaining appropriate medical care and monitoring, in discovering their injuries associated with the use of Redux, and in discovering that such injuries were caused by the acts and omissions of Interneuron.

165. Plaintiffs and Plaintiffs' physicians had no knowledge of the information concealed and suppressed by Defendants and were unaware of the inaccuracy of any statements being made and believed them to be true.

166. Plaintiffs and Plaintiffs' physicians justifiably relied on and were induced by Interneuron's active concealment and relied on such actions, statements, and omissions.

167. Interneuron had a post-sale duty to warn Plaintiffs and or Plaintiffs' physicians about the potential risks and complications associated with Redux in a timely manner.

168. The misrepresentations and active concealment by Interneuron constitutes a continuing tort.

169. Such concealment has served to toll any applicable statute of limitations that applies to Plaintiffs' claims against Interneuron. As a direct result of the concealment, and their justified reliance thereon, Plaintiffs did not and could not have discovered their injuries caused by the ingestion of Redux, until they received an echocardiogram which indicated the presence of FDA

positive valvular heart disease and did not and could not have discovered that such injury was caused by the acts and omissions of Interneuron or their ingestion of Redux..

170. As a direct and legal result of the fraudulent concealment by Interneuron, Plaintiffs have sustained serious and permanent injuries including, but not limited to, injuries to the heart, pulmonary system and/or other physical injuries, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, and loss of the ability to earn money in the future. Plaintiffs' injuries and losses are continuing in nature.

WHEREFORE, Plaintiffs demand judgment against Defendants Interneuron for damages, as well as all costs of this action.

**COUNT VI**  
**G.L. c. 93A UNFAIR AND DECEPTIVE PRACTICES**  
**(AGAINST DEFENDANTS INTERNEURON AND BOEHRINGER ONLY)**

171. Plaintiffs adopt by reference all of the allegations above, each inclusive, as though fully set forth herein.

172. Defendants Interneuron and Boehringer were at all times material hereto engaged in the conduct of trade and commerce throughout the United States including the Commonwealth of Massachusetts and the States within which Plaintiffs were prescribed and ingested Redux.

173. Defendants Interneuron and Boehringer engaged in trade and commerce with respect to the design, manufacture, approval, marketing, promotion, distribution and sale of Redux, a defective product, which was unfit for its intended use, and which had risks that substantially outweighed any benefits.

174. Defendants Interneuron and Boehringer, in furtherance of their business of trade and commerce, did knowingly and willfully fail to disclose to Plaintiffs individually and by and through their physicians information about the risks associated with the ingestion of Redux.

175. Interneuron and Boehringer made misleading statements and failed to disclose information to Plaintiffs individually and by and through their physicians concerning Redux in its marketing, promotion, distribution, and sale.

176. Interneuron and Boehringer knew the facts concerning Redux were material to Plaintiffs and their physicians in assessing the safety of Redux. Defendants also knew that withholding this information would place Plaintiffs at further risk of injury.

177. Interneuron and Boehringer made these misrepresentations and failed to disclose material facts for the purpose of inducing Plaintiffs to purchase and ingest Redux.

178. Plaintiffs relied to their detriment on Interneuron's and Boehringer's representations that Redux was an effective and relatively risk free diet drug.

179. As a result of their reliance and as a direct and proximate cause of Interneuron's and Boehringer's willful or knowing unfair or deceptive acts or practices in violation of G.L. c. 93A, § 2, Plaintiffs have sustained serious and permanent injuries including, but not limited to, injuries to the heart, pulmonary system and/or other physical injuries, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, and loss of the ability to earn money in the future. Plaintiffs' injuries and losses are continuing in nature.

180. Interneuron's and Boehringer's violation of G.L. c. 93A, § 2 entitles Plaintiffs individually to an award of actual damages and reasonable attorney's fees and costs incurred in connection with said action.

181. Interneuron's and Boehringer's actions which resulted in their failure to provide accurate and sufficient information about the true risks of pulmonary hypertension, VHD and other injuries constitute unfair and deceptive acts and practices as defined in G.L. c. 93A.

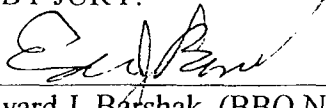
182. Defendants knowingly and willfully engaged in these unfair and deceptive acts and practices in violation of G.L. c. 93A, § 2, entitling Plaintiffs to an award of up to treble but not less than double damages against Defendants Interneuron and Boehringer.

183. Defendants' unfair and deceptive acts and practices occurred primarily and substantially within Massachusetts because, among other things: Defendants' principal place of business is in Lexington, Massachusetts and at all relevant times Defendants and its officials were conducting business in Massachusetts when they engaged in unfair and deceptive acts and practices; and Defendants committed said unfair and deceptive acts in marketing, promoting, packaging, labeling, compounding, distributing, detailing, and/or selling Redux to the public, including Plaintiffs.

184. Plaintiffs have substantially complied and/or will comply with all requirements of G.L. c. 93A, § 9.

WHEREFORE, Plaintiffs demand judgment against Defendants Interneuron and Boehringer for damages, including actual damages, which Plaintiffs request to be trebled or doubled by the Court, as well as reasonable attorney's fees and costs incurred in connection with this action, and any other relief this Court deems proper.

PLAINTIFFS CLAIM A TRIAL BY JURY.

  
\_\_\_\_\_  
Edward J. Barshak, (BBO No. 032040)  
Michael S. Appel, (BBO No. 543898)  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
(617) 227-3030

Samuel W. Lanham, Jr.  
Cuddy & Lanham, P.A.  
470 Evergreen Woods  
Bangor, ME 04401  
(207) 942-2898

Neil D. Overholtz  
Aylstock, Witkin & Sasser, P.L.C.  
55 Baybridge Drive  
P.O. Box 1147  
Gulf Breeze, FL 32562-1147  
(850) 916-7450

DATED: March 30, 2004

COMMONWEALTH OF MASSACHUSETTS

EASTERN COUNTIES, SS.  
MIDDLESEX, SS.

SUPERIOR COURT

2 04-1286 B

IN RE MASSACHUSETTS STATE COURT DIET DRUG  
LITIGATION

Civil Action  
No. 00-9999-G

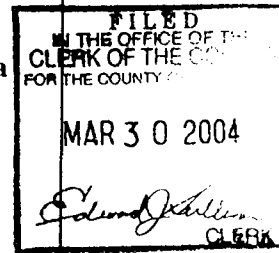
Dorothy Ausevich; Douglas Iwanicki; Jerry Bujarski;  
Rosemary Ardagna; Vicki Sack; Eleanor Lovette; Debra  
Osgood; Cheryl Martella; Geraldine O'Brien; Lisa  
McAdams; Thomas McGauley; Karol Destefano; Barbara  
Fagan; Jean Horton; Donald Chartrand; Elaine Morriss;  
Claudia Velloso-Potts; John Vogel; John Marriner;  
Jacqueline Sasso,

Plaintiffs

v.

Indevus Pharmaceuticals, Inc., F/K/A Interneuron  
Pharmaceuticals, Inc.; Wyeth, Inc., F/K/A American Home  
Products Corporation; Wyeth Pharmaceuticals, Inc F/K/A  
Wyeth-Ayerst Pharmaceuticals, Inc., A Division Of  
American  
Home Products Corporation; and Boehringer Ingelheim  
Pharmaceuticals, Inc.,

Defendants



Attest:

3/30/04

Motion Allowed

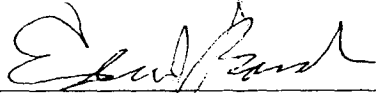
Ellen M. DiRice  
Deputy Assistant Clerk

(Garsh, J.)

**MOTION FOR APPOINTMENT  
OF SPECIAL PROCESS SERVER**

Now come the plaintiffs in the above-captioned matter and move that this Court appoint Constables Philip D. Fixman, Michael B. Fixman and Daniel P. Kochakian of Michael B. Fixman & Associates (disinterested parties and over the age of eighteen), 72 Hancock Street, P.O. Box 83, Everett, Massachusetts or a representative thereof, as

Special Process Server, for the purpose of serving any and all process served in this case, including but not limited to the Complaint.



Edward J. Barshak, (BBO No. 032040)  
Michael S. Appel, (BBO No. 543898)  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
(617) 227-3030

Samuel W. Lanham, Jr.  
Cuddy & Lanham, P.A.  
470 Evergreen Woods  
Bangor, ME 04401  
(207) 942-2898

Neil D. Overholtz  
Aylstock, Witkin & Sasser, P.L.C.  
55 Baybridge Drive  
P.O. Box 1147  
Gulf Breeze, FL 32562-1147  
(850) 916-7450


DATED: March 30, 2004

COMMONWEALTH OF MASSACHUSETTS

EASTERN COUNTIES, SS.  
MIDDLESEX, SS.

3  
SUPERIOR COURT

**IN RE MASSACHUSETTS STATE COURT DIET DRUG  
LITIGATION**

Civil Action  
No. 00-9999-G 

**Dorothy Ausevich; Douglas Iwanicki; Jerry Bujarski;  
Rosemary Ardagna; Vicki Sack; Eleanor Lovette; Debra  
Osgood; Cheryl Martella; Geraldine O'Brien; Lisa  
McAdams; Thomas McGauley; Karol Destefano; Barbara  
Fagan; Jean Horton; Donald Chartrand; Elaine Morriss;  
Claudia Velloso-Potts; John Vogel; John Marriner;  
Jacqueline Sasso,**

Plaintiffs

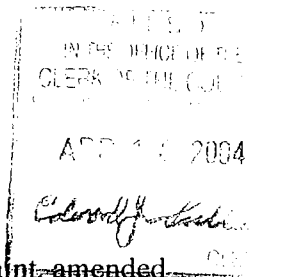
v.

**Indevus Pharmaceuticals, Inc., F/K/A Interneuron  
Pharmaceuticals, Inc.; Wyeth, Inc., F/K/A American Home  
Products Corporation; Wyeth Pharmaceuticals, Inc F/K/A  
Wyeth-Ayerst Pharmaceuticals, Inc., A Division Of  
American  
Home Products Corporation; and Boehringer Ingelheim  
Pharmaceuticals, Inc.,**

Defendants

C.A. No. 04-1286

**FIRST AMENDED  
COMPLAINT**



Plaintiffs hereby adopt and incorporate the entire original complaint, ~~amended~~  
only as follows:

1. The title of Count I is amended to:

BREACH OF WARRANTY  
DEFECTIVE DESIGN

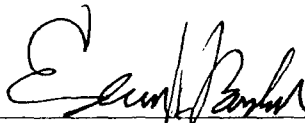
2. The title of Count II is amended to:

BREACH OF WARRANTY

FAILURE TO WARN

3. The following paragraph 185 is added:

185. Plaintiffs have pursuant to Massachusetts G.L. c. 93A sent to Interneuron and Boehringer a letter of demand for settlement.



Edward J. Barshak, (BBO No. 032040)  
Michael S. Appel, (BBO No. 543898)  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
(617) 227-3030

Samuel W. Lanham, Jr.  
Cuddy & Lanham, P.A.  
470 Evergreen Woods  
Bangor, ME 04401  
(207) 942-2898

Neil D. Overholtz  
Aylstock, Witkin & Sasser, P.L.C.  
55 Baybridge Drive  
P.O. Box 1147  
Gulf Breeze, FL 32562-1147  
(850) 916-7450

DATED: April 16, 2004

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —  
 TORT — MOTOR VEHICLE TORT — CONTRACT —  
 EQUITABLE RELIEF — OTHER

## COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT  
 DEPARTMENT  
 OF THE  
 TRIAL COURT  
 CIVIL ACTION  
 No. 04-1286

MIDDLESEX, ss  
 [seal]

Dorothy Ausevich, et al., Plaintiff(s)

v.

Indevus Pharmaceuticals,  
 Inc., et al., Defendant(s)

## SUMMONS

To the above-named Defendant: Wyeth, Inc.

You are hereby summoned and required to serve upon Edward J. Barshak, Sugarman, Rogers, Barshak & Cohen, P.C., plaintiff's attorney, whose address is 101 Merrimac Street, Boston, MA 02114, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Cambridge, either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at Cambridge, the 7th day of May, 2004, in the year of our Lord

*Edward J. Sullivan*  
 Clerk

## NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on .....  
20....., I served a copy of the within summons, together with a copy of the complaint in this action,  
upon the within-named defendant, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5)):

.....  
.....  
.....  
.....

Dated: .....

N.B. TO PROCESS SERVER:

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX  
ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

( ..... )  
( ..... )  
( ..... )

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX ..... ss.  
SUPERIOR COURT  
DEPARTMENT  
OF THE  
TRIAL COURT  
CIVIL ACTION  
No.

....., Plff.

v.

....., Deft.

SUMMONS  
(Mass. R. Civ. P. 4)

## PROOF OF SERVICE OF PROCESS

I hereby certify and return that on May 7, 2004  
 20....., I served a copy of the within summons, together with a copy of the complaint in this action,  
 upon the within-named defendant, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5)):  
 also served first amended complaint, civil action cover sheet and tracking  
 order: Served at Corporation Service Company, 84 State St., 5th fl., Boston, M.  
 Served in hand to Bernardo Montanez, process clerk for Corporation Service  
 Company and agent authorized to accept service on behalf of  
 Wyeth, Inc.

Dated: May 7, 2004

*Michael B. Fixman*  
 Michael B. Fixman, Constable  
 Court Appointed Special Process Server

## N.B. TO PROCESS SERVER:

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX  
 ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

( \_\_\_\_\_ )

( May 7, 2004 )

( \_\_\_\_\_ )

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT  
 DEPARTMENT  
 OF THE  
 TRIAL COURT  
 CIVIL ACTION  
 No.

MIDDLESEX, ss.

Plff.

v.

Def.

SUMMONS  
 (Mass. R. Civ. P. 4)

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —  
TORT — MOTOR VEHICLE TORT — CONTRACT —  
EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss  
[seal]

5  
SUPERIOR COURT  
DEPARTMENT  
OF THE  
TRIAL COURT  
CIVIL ACTION  
No. 04-1286

Dorothy Ausevich, et al., Plaintiff(s)

v.

Indevus Pharmaceuticals,  
Inc., et al. Defendant(s)

SUMMONS

To the above-named Defendant: Indevus Pharmaceuticals, Inc.

You are hereby summoned and required to serve upon Edward J. Barshak, Sugarman, Rogers, Barshak & Cohen, P.C., plaintiff's attorney, whose address is 101 Merrimac Street, Boston, MA 02114, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Cambridge either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at Cambridge  
the 7th day of May  
2004, in the year of our Lord

Edward J. Sullivan  
Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

**PROOF OF SERVICE OF PROCESS**

I hereby certify and return that on .....  
20....., I served a copy of the within summons, together with a copy of the complaint in this action,  
upon the within-named defendant, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5)):

.....  
.....  
.....  
.....

Dated: .....

**N.B. TO PROCESS SERVER:**  
**PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX**  
**ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.**

( ..... )  
( ..... )  
( ..... )

**COMMONWEALTH OF MASSACHUSETTS**

SUPERIOR COURT  
DEPARTMENT  
OF THE  
TRIAL COURT  
CIVIL ACTION  
No.

MIDDLESEX ..... ss.

Piff.

v.

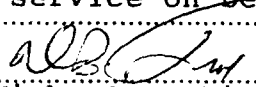
Deft.

**SUMMONS**  
(Mass. R. Civ. P. 4)

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on May 7, 2004  
20..... I served a copy of the within summons, together with a copy of the complaint in this action,  
upon the within-named defendant, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5)):  
also served first amended complaint, civil action cover sheet and tracking  
order: Served at Corporation Service Company, 84 State St., 5th fl., Boston, M  
Served in hand to Bernardo Montanez, process clerk for Corporation Service  
Company and agent authorized to accept service on behalf of  
Indevus Pharmaceuticals, Inc.

Dated: May 7, 2004

  
Michael B. Fixman, Constable  
Court Appointed Special Process Server

N.B. TO PROCESS SERVER:

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX  
ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

( ..... )  
( May 7, 2004 ..... )  
( ..... )

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT  
DEPARTMENT  
OF THE  
TRIAL COURT  
CIVIL ACTION  
No.

MIDDLESEX ..... ss.

Pff.

v.

Def.

SUMMONS  
(Mass. R. Civ. P. 4)

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —  
 TORT — MOTOR VEHICLE TORT — CONTRACT —  
 EQUITABLE RELIEF — OTHER

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX

[seal]

SS

SUPERIOR COURT  
 DEPARTMENT  
 OF THE  
 TRIAL COURT  
 CIVIL ACTION  
 No. 04-1286

Dorothy Ausevich, et al., Plaintiff(s)

v.

Indevus Pharmaceuticals,  
 Inc., et al., Defendant(s)

## SUMMONS

To the above-named Defendant: **Boehringer Ingelheim Pharmaceuticals, Inc.**

You are hereby summoned and required to serve upon Edward J. Barshak, Sugarman, Rogers,  
 Barshak & Cohen, P.C. plaintiff's attorney, whose address is 101 Merrimac Street,  
 Boston, MA 02114, an answer to the complaint which is herewith  
 served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you  
 fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also  
 required to file your answer to the complaint in the office of the Clerk of this court at Cambridge  
Cambridge either before service upon plaintiff's attorney or within a  
 reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may  
 have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's  
 claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at Cambridge  
7th day of May  
2004  
 in the year of our Lord

Edward J. Sullivan  
 Clerk

## NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

COMMONWEALTH OF MASSACHUSETTS

EASTERN COUNTIES, SS.  
MIDDLESEX, SS.

SUPERIOR COURT

**IN RE MASSACHUSETTS STATE COURT DIET DRUG  
LITIGATION**

**Civil Action  
No. 00-9999-G**

**Dorothy Ausevich; Douglas Iwanicki; Jerry Bujarski;  
Rosemary Ardagna; Vicki Sack; Eleanor Lovette; Debra  
Osgood; Cheryl Martella; Geraldine O'Brien; Lisa  
McAdams; Thomas McGauley; Karol Destefano; Barbara  
Fagan; Jean Horton; Donald Chartrand; Elaine Morriss;  
Claudia Velloso-Potts; John Vogel; John Marriner;  
Jacqueline Sasso,**

Plaintiffs

v.

**Indevus Pharmaceuticals, Inc., F/K/A Interneuron  
Pharmaceuticals, Inc.; Wyeth, Inc., F/K/A American Home  
Products Corporation; Wyeth Pharmaceuticals, Inc F/K/A  
Wyeth-Ayerst Pharmaceuticals, Inc., A Division Of  
American  
Home Products Corporation; and Boehringer Ingelheim  
Pharmaceuticals, Inc.,**

Defendants

**C.A. No. 04-1286**

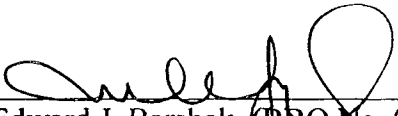
**PLAINTIFFS' AFFIDAVIT OF SERVICE IN COMPLIANCE WITH  
MASSACHUSETTS GENERAL LAWS, CHAPTER 223A, § 6**

I, Michael S. Appel, counsel for the plaintiffs in the above-entitled action, say that on May 7, 2004, I gave written notice to the defendant, Boehringer Ingelheim Pharmaceuticals, Inc., of filing a Complaint against it by mailing a letter, postage prepaid, certified mail and return receipt requested, enclosing therein a copy of the (1) Summons; (2) Complaint; (3) Amended Complaint; (4) Civil Action Cover Sheet; and (5) Tracking Order, to the defendant at 900 Ridgebury Road, Ridgefield, CT 06877-1058.

Said return receipt is attached hereto.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 17

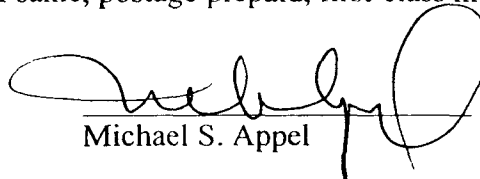
DAY OF MAY, 2004.

  
\_\_\_\_\_  
Edward J. Barshak, (BBO No. 032040)  
Michael S. Appel, (BBO No. 543898)  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
(617) 227-3030

Dated:

CERTIFICATE OF SERVICE

I, Michael S. Appel, attorney for plaintiffs, hereby certify that I have this day forwarded the within Defendant's Affidavit of Service in Compliance with Mass. General Laws, Chapter 223A, §6 by mailing a copy of same, postage prepaid, first-class mail, to all parties.

  
\_\_\_\_\_  
Michael S. Appel

Dated:



**SUGARMAN, ROGERS, BARSHAK & COHEN, P.C.**  
Attorneys at Law

101 Merrimac Street  
Boston, MA 02114-4737  
617-227-3030  
617-523-4001 Fax  
www.srbc.com

EDWARD J. BARSHAK  
barshak@srbc.com

May 7, 2004

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7002 0860 0007 4926 2258

President  
Boehringer Ingelheim Pharmaceuticals, Inc.  
900 Ridgebury Road  
Ridgefield, CT 06877-1058

Re: *Dorothy Ausevich, et als., v. Indevus Pharmaceuticals, Inc., et als.*  
Middlesex Superior Court, Civil Action No. 04-1286

Dear Sir/Madam:

Enclosed herewith in the above-entitled matter, please find a copy of the following documents:

1. Complaint;
2. First Amended Complaint;
3. Tracking Order;
4. Civil Action Cover Sheet; and
5. Summons.

An answer is required within 20 days of your receipt of this letter. Service is hereby made upon you in accordance with Massachusetts General Laws, Chapter 223A.

Very truly yours,

A handwritten signature in cursive script, reading "Edward J. Barshak".

Edward J. Barshak

Enclosures

Cc: Samuel W. Lanham, Jr., Esquire  
Neil D. Overholtz, Esquire

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Edward J. Barshak, Esquire  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9th Floor  
Boston, MA 02114-4737

Redux Litigation (A168-23383)



UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Edward J. Barshak, Esquire  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9th Floor  
Boston, MA 02114-4737

Redux Litigation (A168-23383)

4737 16



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>2. Print your name and address on the reverse so that we can return this card to you.</p> <p>3. Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p><b>President</b>  <b>Boehringer Ingelheim</b>  <b>Pharmaceuticals, Inc.</b>  <b>900 Ridgebury Road</b>  <b>Ridgefield, CT 06877-1058</b></p>		<p><b>FILED</b>  <b>IN THE OFFICE OF THE</b>  <b>CLERK OF THE COURTS</b>  <b>FOR THE COUNTY OF MIDDLESEX</b>  <b>MAY 19 2004</b></p> <p><b>SPECIAL DELIVERY</b>  <b>MAY 19 2004</b></p> <p>A. Signature: <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <i>PAUL M. BURTON</i> C. Date of Delivery: <i>5/19/04</i></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below:</p> <p>3. Service Type:  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
2. Article Number (Transfer from service label)		7002 0860 0007 4926 2258	
PS Form 3811, August 2001		Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p><b>President</b>  <b>Wyeth Pharmaceuticals, Inc.</b>  <b>500 Arcola Road</b>  <b>Collegeville, PA 19426-3982</b></p>		<p>A. Signature: <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <i>M. Burton</i> C. Date of Delivery: <i>5/19/04</i></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below:</p> <p>3. Service Type:  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
2. Article Number (Transfer from service label)		7002 0860 0007 4926 2265	
PS Form 3811, August 2001		Domestic Return Receipt 102595-02-M-1	